



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
11-20-06

**PART A**

**Subject:**

Request by Lee-Moore Oil Co. to rezone a 63.3 acre tract into a 29.4 acre Conditional Use B-1 Business District and a 33.9 acre RA-40 Residential Agricultural District located off US 15-501 N south of the Chatham/Orange County line, Williams Township.

**Action Requested:**

SEE RECOMMENDATIONS

**Attachments:**

*The following was distributed at the September 5, 2006 Planning Board meeting:*

1. Application packet.

*The following can be viewed on the planning webpage at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) under Planning, Rezoning & Subdivision Cases, 2006:*

2. Arcview map.
3. Zoning maps.
4. Comments received at the September 19, 2006 public hearing.

**Submitted By:**

\_\_\_\_\_ Date  
Keith Megginson, Planning Director

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

- County Attorney** \_\_\_\_\_  
Date Reviewed
- Finance Officer** \_\_\_\_\_  
Date Reviewed
- Budget Officer** \_\_\_\_\_  
Date Reviewed

## PART B

**RE: Lee-Moore Oil – Conditional Use District**

**Introduction / Background / Previous Board Actions:** This request was not forwarded to the Planning Board at their October 3 meeting due to the work load of staff not having ample time to prepare the notes for the request. The Planning Board voted to recommend approval of the rezoning request at their November 6 meeting. The Board of Commissioners is required to make a decision on the requested change of the zoning district to a 29.4 acre Conditional Use B-1 Business District with the remaining acreage of 33.9 be zoned an RA-40 Residential/Agricultural District prior to a decision on the conditional use permit request. This property has had a straight B-1 Business zoning on a portion of the property since 1974. There have been several different types of businesses on this area of the property such as an antique shop, used car sales and modular home sales. A decision is partially based on adopted land use plans and policies. The applicant has addressed these issues in their application beginning on page 14.

**Issues for Further Discussion and Analysis:** The Chatham County Land Conservation and Development Plan is a general policy plan. A specific plan map was not adopted but a draft map was prepared. The subjective nature of a general policy plan may be seen by review of the chart of uses on page 6 of the Plan. Non-residential development is addressed under the heading of “Economic Centers” beginning on page 27 of the Plan. Under the heading of Overview, the text explains the six types of economic development as follows:

1. Agriculture and home based businesses in rural areas
2. Commercial and industrial development within the county’s towns
3. Neighborhood activity centers in compact community corridors
4. Cross-road commercial centers in designated rural locations
5. Economic development centers in carefully designated and planned locations
6. Continued development within other areas currently zoned commercial or industrial.

The text reads as follows: “To focus economic development in these six settings, the County will discourage industrial and commercial development in other places, especially as strip development along the major highways, in environmentally sensitive areas, and in agricultural areas. Continuation of current activities will be supported in existing industrial and commercial areas.” You are encouraged to read the entire Land Conservation and Development Plan of 69 pages, which is on the planning page of the county website.

A public hearing was held on September 19, 2006. Thirteen citizens spoke against the rezoning and two citizens (one of which was the attorney for the applicant) spoke in favor of the rezoning.

The Land Conservation and Development Plan hereinafter referred to as the “Plan”, outlines many plan objectives towards approving areas that reflect balanced growth while maintaining the form and function of rural character. The Plan refers to a plan map not yet adopted. Page 10 of the Plan lists several policy objectives to be used to define the outcomes and goals for developing specific criteria for development. One of those objectives addresses development that is to be guided to appropriate locations and designed for the area it is in. This rezoning request went before the Board of Commissioners in 1974. An approval for a straight B-1 business district was given. At that time it was believed to be a proper location for a commercial site. The other

**RE: Lee-Moore Oil – Conditional Use Permit**

**Issues for Further Discussion and Analysis – con't**

three (3) quadrants of this signalized intersection are or have been used for non-residential use. Across US 15-501 on the western side of Smith Level Road is a children's daycare; on the eastern side of Smith Level Road is a convenience store with other commercial uses as well; and on the property to the north of this parcel, there used to be an electronics store.

Page 24 of the Plan addresses compact communities. The plan map, not yet adopted, shows this area of US 15-501 N in a designated compact community area. Some aspects of how this area is to serve the county is to reduce the need for costly infrastructure, protect farmland and open space, to facilitate travel on foot, by bike, and by transit. This rezoning would leave over half of the property in an open, non-developed state. This property is also located at or near bike lanes (wide paved shoulders) already in place leading north on US 15-501 and could be served by the transit services coming from the park and ride lot just south of this property. Since this property received a portion of B-1 business zoning, a large scaled development named Southern Village was created. This development, which is a mix of residential and commercial and described by our ordinance definition as a "compact community", is located approximately 1 1/2 miles from this property. There is an older established residential development across US 15-501 on Booth Road. The Briar Chapel Planned Unit Development has an entrance on Mann's Chapel Road 1 1/2 miles southwest of this property. Page 12 of the Plan requests to site commercial uses along major highways in clusters at specific, designated locations; design these commercial sites to retain a rural crossroads or village character; and integrate these uses with other nearby development.

Page 27 of the Plan discusses "Economic Centers". Continued development within other areas currently zoned commercial is encouraged. Page 34 describes the northern part of the county, within the US 15-501 corridor, to be used to link to infrastructure and build on the economic activity south of Chapel Hill when locating economic centers.

**Recommendation:** It is the Planning Department's opinion that this request is in conformity with the majority of the Land Conservation and Development Plan. The Planning staff recommends approval of the request. The Planning Board recommended the request be approved by a vote of 8-1.
